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14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA
16
17

18 DEBORAH KIM, an individual,
19 Plaintiff,
20 v.
21 BRENDAN WESOLOWSKI, an individual;
EMERSON AUTOMATION SOLUTIONS, a
22 corporation; and DOES 1-10, inclusive,
23 Defendants.

CASE NO.: 2:24-cv-00785-JAD-MDC

**SECOND STIPULATION TO EXTEND
DISCOVERY DEADLINES PURSUANT
TO LR 26-3 AND [PROPOSED] ORDER**

1 Plaintiff, DEBORAH KIM and Defendants BRENDAN WESOLOWSKI and EMERSON
 2 PROCESS MANAGEMENT POWER & WATER SOLUTIONS, INC., by and through their
 3 respective counsel, pursuant to District of Nevada LR 26-3, hereby submit this stipulation to a
 4 continuance of discovery deadlines as follows:

5 **A. STATEMENT SPECIFYING COMPLETED DISCOVERY:**

- 6 1. The parties have exchanged their FRCP 26 initial disclosures, as well as multiple
- 7 supplements thereto;
- 8 2. The parties have produced documents and exchanged written discovery; and
- 9 3. The parties deposed a witness to the incident;
- 10 4. Plaintiff Deborah Kim has been deposed;
- 11 5. Deposition of defendant Brendan Wesolowski;
- 12 6. Deposition of defendant expert Dr. Roman Sibel.

13 **B. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED:**

- 14 1. Depositions of plaintiff's three experts; and
- 15 2. Depositions of defendant's two experts.

16 **C. REASONS THAT DISCOVERY WILL NOT BE COMPLETED IN THE TIME**
 17 **LIMITS:**

18 On or around February 3, 2025, the parties exchanged Initial Expert Witness Disclosures.
 19 The expert witnesses disclosed by Plaintiff and Defendants include seven retained medical type
 20 experts, six of whom are doctors with busy schedules and limited availability for depositions. On
 21 or around May 9, 2025, the day two expert depositions (Drs. Shannon and Watson) were scheduled
 22 to be completed, Plaintiff's counsel came down with an illness which required re-scheduling of the
 23 depositions of Drs. Shannon and Watson, as well as for Dr. Forage, which was scheduled for May
 24 14, 2025. Dr. Shannon's deposition was concluded and rescheduled to allow her time to adjust her
 25 life care plan prior to being deposed. Lastly, Defendant's expert Dr. Forage has indicated that he
 26 has no deposition dates available in the month of May and requires a June 2025 date for his
 27 rescheduled deposition. At the time of filing this Stipulation and [Proposed] Order, the parties are
 28 diligently reaching out to their remaining respective experts for deposition dates. While the parties

1 have agreed on scheduling deposition dates for the experts, at least one of those experts are only
 2 available past the expert discovery deadline cutoff.

3 **D. STATEMENT OF GOOD CAUSE:**

4 As addressed above, several of the expert depositions previously on calendar needed to be
 5 rescheduled due to Plaintiff's counsel's illness and the need for an updated life care plan from Dr.
 6 Shannon. The soonest deposition scheduled in this matter is a deposition of Plaintiff's pain
 7 management, causation, and damages expert Dr. Fisher, set for May 16, 2025. Plaintiff has
 8 provided availabilities for its other experts for various dates in May and June, 2025. However,
 9 Plaintiff's orthopedic spine surgeon expert Dr. Grover's soonest deposition availability is May 22,
 10 2025, while Defendant's expert, Dr. Forage, only has availability in June. The availability of both
 11 Doctors are after the close of expert discovery currently scheduled for May 19, 2025. The parties
 12 are diligently communicating and finalizing the schedules for expert depositions, but will not be
 13 able to depose all experts by the close of expert discovery. Therefore, the parties agree to a 45-day
 14 extension of all remaining deadlines. There is good cause for this extension because 1) the parties
 15 are diligently communicating to schedule depositions of all retained experts, and 2) the parties
 16 would be prejudiced if the retained experts identified by each party cannot be deposed. The parties
 17 stipulated to the requested extension and proposed the stipulation to the Court as soon as
 18 practicable.

19 **E. CURRENT SCHEDULE FOR COMPLETING DISCOVERY:**

20	Close of Expert Discovery:	May 19, 2025
21	Dispositive Motion Deadline:	June 20, 2025
22	Joint Pre-Trial Order:	July 18, 2025

23 **F. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

24	Close of Expert Discovery:	July 3, 2025
25	Dispositive Motion Deadline:	August 4, 2025
26	Joint Pre-Trial Order:	September 2, 2025

27 **G. CURRENT TRIAL DATE:**

28 There is no trial date set for this matter.

1 WHEREFORE, the parties respectfully request this Honorable Court adopt the parties'
2 foregoing discovery stipulation.

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4 Respectfully submitted,

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6 Dated this 14th day of May, 2025

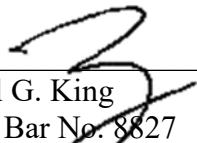
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8
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Dated this 14th day of May, 2025

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[PROPOSED] ORDER

On review of the foregoing stipulation of the parties and finding good cause therefore, **IT IS SO ORDERED** that the deadlines are extended, as requested and written herein.



Hon. Maximiliano D. Covillier III
United States Magistrate Judge
Date: 5/15/2025